REMARKS

This amendment is in response to the Office Action mailed August 4, 2004 (Paper #11).

Claims 1-14 and 17 are allowed and will not be addressed further in this amendment.

Claim 16 is objected to but would be allowed if written in independent form including all the limitations of the base claim. In response, claim 16 is rewritten in independent form. However, in reviewing the claim applicants note certain language in claim 15 (claim 16 depends on 15) tends to confuse and obscure the true meaning of the claim. In fact the language is believed to be superfluous and is deleted from the claim. The deletion of this language does not alter the scope of the claim.

Claim 15 is rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,052,368 (Aybay). The Examiner's argument in support of the rejection is set forth on pages 2 and 3 of the Office Action. For brevity it is not repeated here but it has been reviewed by applicants' attorney and for reasons set forth herein it is believed the reference does not render applicants' claim 15 obvious. It is applicants' contention the reference does not teach or suggest "a frame process component . . . creating queues of packets going to the same destination address . . . " and/or "a scheduler designating a packet queue to be served at a given time".

U.S. Patent No. 6,052,368 (Aybay) discloses I/O control (12, 14, 16 and 18) (Figs. 2 and 8) providing packets which are segmented by IPP0, IPP1, IPP2 . . . IPPn and delivered to a crossbar switch 60. The crossbar switch 60 includes a scheduler 132 connected to all of the channel modules 112-118 and utilizes the request commands

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transferred from the channel module to manage traffic through the data path multiplexer 130 in a manner that maximizes the throughput of the switch. See col. 7, lines 19-28. Nowhere in the reference could applicants find the structure and configuration as recited in claim 15 above. As a consequence, applicants argue the invention set forth in claim 15 is different from the invention set forth in the reference. Due to the difference in these inventions one could make a reasonable argument that the teachings in the reference would not suggest to an artisan the invention claimed in claim 15. In fact, one could also argue that the invention set forth in the reference teaches away from the invention claimed in claim 15. As a consequence claim 15 is not rendered obvious by the teachings in the reference.

Claim 15, in part, calls for sorting packets going to the same port in queues, scheduling the queues for service and then segmenting the packets in selected queue. By so doing the overall design is much simpler than it would have been if other configurations were used. Furthermore, applicants argue that the structure set forth in claim 15 is novel in that it is not shown or suggested in the reference. It is applicants' contention that the novel structure together with the benefit (i.e. simplicity of design) are indicia of unobviousness. As a consequence, claim 15 is not obvious in view of the teachings of the reference.

Newly added claims 18 and 19 are also patentable over the art of record for reasons set forth above.

It is believed the present amendment answers all the issues raised by the Examiner. Reconsideration is hereby requested, and an early allowance of all the claims is solicited.

Respectfully Submitted,

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